



In the

Reserve Bank of India
Foreign Exchange Department
Fort Glacis, No.16, Rajaji Salai
Chennai 600 001

Present

Dr. K Balu
Chief General Manager

Date : January 23, 2019
C.A.862/2018

In the matter of

M/s. Onehub (Chennai) Pvt Ltd.
(Formerly Apricot Realtors Pvt Ltd.)
Plot No.38, Survey No.91, Kunnappattu Village,
Kunnappattu Panchayat, Paiyanur(via),
Manamathy PO, Thiruporur Taluk-603 105

(Applicant)

In exercise of the powers under section 15 (1) of the Foreign Exchange Management Act, 1999 and the Regulations/Rules/Notifications/orders made there under, I pass the following

Order

The applicant has filed a compounding application dated November 14, 2018 (received at Reserve Bank on November 19, 2018) for compounding of contraventions of the provisions of the Foreign Exchange Management Act, 1999 (the FEMA) and the regulations issued there under. The contraventions sought to be compounded are (i) delay in reporting of inflow of funds received from a person resident outside India for allotment of shares, and (ii) delay in submission of Form FC-GPR on allotment of



shares with Reserve Bank, in terms of Paragraph 9 (1) A and Paragraph 9 (1) B respectively, of Schedule I to Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2000 notified, vide Notification No. FEMA 20/2000-RB dated May 3, 2000 as then applicable (hereinafter referred to as Notification No. FEMA 20/2000-RB).

2. The relevant facts of the case are as follows: The applicant company was incorporated on December 29, 2006 under the provisions of the Companies Act, 1956 (Registration No. U70102TN2006FTC061907) and is engaged in business of Construction of buildings carried out on own-account basis or on a fee or contract basis. The applicant has been compounded earlier for contraventions of paragraphs 9(1)A and 9(1)B of Schedule 1 to Notification No. FEMA 20 vide compounding order C.A.043/2012 dated October 09, 2012. In terms of Rule 4(2) of Foreign Exchange (Compounding Proceedings) Rules 2000, any contravention committed by a person within a period of three years from the date on which a similar contravention committed by him was compounded under these rules would not be compounded. Any second or subsequent contravention committed after the expiry of a period of three years from the date on which the contravention was previously compounded shall be deemed to be a first contravention. On expiry of three years from the previous order, the applicant received foreign inward remittances from M/s Skyxo Ltd., Mauritius towards subscription to equity shares and reported the same to the Reserve Bank as detailed below:

Sl. No.	Amount of Inward Remittance in Rs.	Date of receipt	Reported to RBI on
1	13,46,45,000.00	29.06.2016	17.08.2016

The applicant reported receipt of remittance to the Reserve Bank on date indicated above with delay of 19 days approximately beyond the prescribed period of 30 days in respect of the remittance. Whereas, in terms of paragraph 9 (1) A of Schedule I to Notification No. FEMA 20/2000-RB, an Indian company issuing shares or convertible debentures in accordance with these Regulations should report to the Reserve Bank of



India as per the prescribed procedure not later than 30 days from the date of receipt of the amount of consideration.

3. On expiry of three years from the previous order, the company allotted equity shares and filed FC-GPR as indicated below:

Sl. No	No. of shares allotted	Face Value (in Rs.)	Amount (INR)	Date of allotment of shares	Reported to RBI on
1	1346450	10	13,46,45,000.00	24.08.2016	17.11.2016

The applicant filed form FC-GPR as indicated above with delay of one month 23 days approximately beyond the prescribed limit in respect of the allotment. Whereas in terms of paragraph 9 (1) B of Schedule I to Notification No. FEMA 20/2000-RB, an Indian company issuing shares in accordance with these Regulations has to submit to Reserve Bank a report in Form FC-GPR along with documents prescribed therein within 30 days from the date of issue of shares to person resident outside India

4. The applicant was advised about the contraventions vide memorandum dated September 27, 2018. The applicant has filed a compounding application dated November 14, 2018 wherein it has been declared in the compounding application that the particulars given by the applicant in the application are true and correct to the best of their knowledge and belief. It has been declared in the declaration furnished with the compounding application that the applicant was not under any enquiry/investigation/adjudication by any agency as on the date of the application and has, in this regard, not informed of initiation of any such enquiry/investigation/adjudication proceedings against it/him/her thereafter. Accordingly, the above contraventions which are being compounded in this Order are subject to the veracity of the above declarations made by the applicant and this order is without prejudice to any other action which may be taken by any authority under the extant laws if the said declarations are subsequently discovered to be false and/or incorrect.

5. The applicant was given an opportunity for personal hearing vide Reserve Bank's mail dated January 21, 2019 for further submission in person and/or producing



additional documents, if any, in support of the application. The applicant appeared for the personal hearing on January 23, 2019 during which Shri R Tamizhvanan, Practising Company Secretary represented the applicant. The authorized representative of the applicant admitted the contraventions as stated in para 2 and 3 above committed by the applicant for which compounding has been sought. During the personal hearing, it was submitted that the delays were unintentional. The application for compounding is, therefore, being considered on the basis of the averments made in the application as well as other documents and submissions made in this context by the applicant during the personal hearing.

6. I have given my careful consideration to the documents on record and submissions made by the applicant in the compounding application and during the personal hearing. Accordingly, I hold that the applicant has contravened the following FEMA provisions issued in terms of:

(a) Paragraph 9 (1) A of Schedule 1 to Notification No. FEMA 20/2000-RB due to delay in reporting of receipt of inward remittance towards subscription of equity shares as detailed in paragraph 2 above. The contravention relates to an amount of ₹ 13,46,45,000.00 with the duration of contravention being 19 days approximately; and

(b) Paragraph 9 (1) B of Schedule 1 to Notification No. FEMA 20/2000-RB due to delay in submission of Form FC-GPR to the Reserve Bank after issue of shares to persons resident outside India and the contravention relates to an amount of ₹ 13,46,45,000.00 with the duration of contravention being one month 23 days approximately.

7. In terms of Section 13 of the FEMA, any person contravening any provision of the Act shall be liable to a penalty up to thrice the sum involved in such contravention upon adjudication. However, taking into account the relevant facts and circumstances of the case as stated in the foregoing paragraphs, I am persuaded to take a lenient view on



M/s. Onehub (Chennai) Pvt Ltd.–C.A.862/2018

the amount for which the contraventions are to be compounded and I consider that an amount

of **₹67,500/-** (Rupees sixty seven thousand and five hundred only) will meet the ends of justice.

8. Accordingly, I compound the admitted contravention namely, the contraventions of paragraph 9 (1) A and 9(1) B of Schedule 1 to Notification No. FEMA 20/2000-RB, by the applicant on the facts discussed above in terms of the Foreign Exchange (Compounding Proceedings) Rules, 2000 on payment of an amount of **₹67,500/-** (Rupees sixty seven thousand and five hundred only) which shall be deposited by the applicant with the Reserve Bank of India, Foreign Exchange Department, Fort Glacis, No.16, Rajaji Salai, Chennai - 600 001 by a demand draft drawn in favour of the “Reserve Bank of India” and payable at Chennai within a period of **15 days** from the date of this order. In case of failure to deposit the compounded amount within the above mentioned period, Rule 10 of the Foreign Exchange (Compounding Proceedings) Rules, 2000 dated May 3, 2000 shall apply.

The application is disposed of accordingly.

Dated this Twenty Third day of January, 2019.

Sd/-

Dr. K Balu

Chief General Manager